

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

No. 1:21-md-03010 (PKC)

Singh v. Google LLC, No. 1: 23-cv-03651
(PKC)

**META PLATFORMS, INC.'S MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO DISMISS COUNTS III AND IV
OF THE *SINGH v. GOOGLE LLC* COMPLAINT**

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September 8, 2023

Mr. Sunny Singh, an advertiser who allegedly made payments to Google, filed an action on behalf of advertisers against Google LLC (“Google”), Alphabet Inc. (“Alphabet”) and Meta Platforms, Inc.’s (“Meta”) in the Central District of California on April 4, 2023. *See Singh v. Google LLC*, 23-cv-02539 (C.D. Cal.). The action was later centralized into the above-captioned MDL as a tag-along action pursuant to Conditional Transfer Order No. 10 (Dkt. No. 534). *See Singh v. Google LLC et al*, 23-cv-03651 (S.D.N.Y.).

The *Singh v. Google LLC* complaint (“*Singh* Complaint”, Dkt. No. 1, 23-cv-03651 (S.D.N.Y.)) is virtually identical to the Consolidated Amended Complaint filed on behalf of the Advertiser Plaintiffs (the “Advertisers’ CAC”, Dkt. No. 399). Both the *Singh* complaint and the Advertisers’ CAC assert identical claims against Meta arising out of the Network Bidding Agreement (“NBA”), including a claim under Section 1 of the Sherman Act and a claim under California’s Cartwright Act. Meta moved to dismiss the claims against Meta in the Advertiser Plaintiffs’ CAC (“MTD”, Dkt. No. 461) on February 3, 2023. That motion was fully briefed on March 30, 2023 (*see* Meta’s Reply Memorandum of Law in Support of MTD, Dkt. No. 519)—before the *Singh v. Google LLC* action was filed.

In light of the significant overlaps between the complaints, Defendants Google, Alphabet, Meta and Plaintiff Singh reached a stipulation that any ruling by the Court on the pending motions to dismiss the Advertisers’ CAC, except a ruling regarding issues of individual named plaintiffs’ obligations to arbitrate claims against Defendants Google and Alphabet, would be deemed to apply to the Singh complaint. That stipulation and proposed order was filed with the Court on July 21, 2023. (Dkt.

No. 588-1.) Accordingly, Meta incorporates herein all the arguments set forth in its motion to dismiss the Advertisers' CAC (Dkt. Nos. 460-461, 519), and respectfully requests that the Court grant Meta's motion to dismiss the NBA claims in the *Singh* Complaint (Counts III and IV) with prejudice for the same reasons set forth therein.

Dated: September 8, 2023

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by /s/ Kevin J. Orsini

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